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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,143	07/03/2003	Richard J. Camarota	ITC C-23A	6841
23474	7590	09/27/2006	EXAMINER	
FLYNN THIEL BOUTELL & TANIS, P.C.			SAWHNEY, HARGOBIND S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/613,143	Applicant(s) CAMAROTA ET AL.	
	Examiner Hargobind S. Sawhney	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44, 46, 48, 49, 60-63, 66 and 83-91 is/are pending in the application.
- 4a) Of the above claim(s) 45, 47, 50-53, 55-59, 64, 65 and 67-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44, 46, 48, 49, 60-63 and 83-91 is/are rejected.
- 7) ☒ Claim(s) 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on June 30, 2006 has been entered. Accordingly:
 - Claims 1-43, 54, 67, 72 and 73 have been canceled;
 - Claims 45, 47, 50-53, 55-59, 64, 65, 68-71 and 74-82 have been withdrawn; and
 - New claims 83-91 have been added.
2. The Terminal Disclaimer filed on June 13, 2006 has been entered, recorded and accepted. Accordingly, the double patenting rejections of claims 44, 60-62 and 66 have been withdrawn.

Claim Objections

3. Claim 61 is objected to because of the following informalities:

Claim 61, "has one portion of a first relatively larger thickness" is not understood, thus require rephrasing. Further, all limitations of claim 61 should be carefully reviewed and rephrased for clarity.

Appropriate correction is required.

As best understood, claim 61 has been examined considering its limitations as:

-- The apparatus of Claim 60 wherein said light transmitting bar has a first portion of said first end portion having relatively larger thickness, and a second portion of said first end portion having relatively smaller thickness extending from said first portion; the second portion having a substantially planar end face; said first end portion being telescoped in said recess, said light emitting diode being

disposed in said recess adjacent the inboard end of said bar and aimed at said bar inboard end--.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 83-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 83, lines 5-7, "spaced, first and second, support surface engageable, mounting bracket carrying said first and second end portions of said light transmitting bar" is indefinite and confusing, thus needs careful review and rephrasing. Further, all limitations of claim 83 should be carefully reviewed and rephrased for clarity.

Appropriate correction is required.

Claims 84-89 are necessarily rejected because of their dependency on the rejected base claim 83.

As best understood, claim 83 has been examined considering its limitations recited in lines 5-7 as:

-- spaced support surfaces of said first and second end portions engagable in mounting brackets carrying said first and second end portions of said light transmitting bar, said first bracket having:--.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 44, 46, 49, 60- 62, 90 and 91, are rejected under 35 U.S.C. 102(e) as being anticipated by Grady et al. (US Patent No.: 6,553,629 B2), hereinafter referred as Grady.

Regarding claim 90, the functional recitation “the light output on its central axis is reduced to half at an angle in the range of 15° to 45° off the axis opposed end of the light transmitting bar” has not been given patentable weight because it is a narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a “means” for performing the specific function, and must be supported by the recitation in the claim of sufficient structure to warrant the presence of the functional language.

Regarding claim 44, 46, 49, 60- 62, 90 and 91, Grady discloses a lighted handle 10 (Figure 1) comprising:

- an elongated light-transmitting member 12 (Figures 1 and 5, column 3, lines 43-45) having each of first end portion and second end portion engageable to respective mounting members 16 and 14,(Figure 1, column

- 3, lines 15-170; the first end portion 16 and second end portion 14 flanking a hand graspable portion – middle portion connecting both the end portions 14 and 16 (Figure 1); the mounting members 16 and 14 including respective open portions 40' - the combination including elements 24 and 46 - fixedly receiving the end portions 16 and 14 (Figure 4, column 3, lines 59-65); a light transmitting diode (LED) 40 emitting narrow beam light – as well known in the art, an LED has very narrow angle of light beam spread 7° - 15° (self focusing) - fixedly located within the first mounting member 16; the LED 40 directing light longitudinally towards the light-transmitting member 12 (Figures 1 and 4, column 3, lines 66, 67; and column 4, lines 1, 2, 10-15 and 26-34);
- the first mounting member including an open portion 46' including: a relatively larger diameter outboard portion 46 receiving the first end portion of the light-transmitting member 12 (Figures 1 and 4), and a relatively smaller diameter inboard portion receiving the LED 40 (Figures 1 and 4);
 - as best understood, regarding claim 61, the light transmitting bar 12 with the first portion of said first end portion – the portion telescoped in the recess defined by element 46 (Figure 4) - having relatively larger thickness, and a second portion 28 of said first end portion having relatively smaller thickness – due to elements 30 or 32 (Figure 6) extending from said first portion (Figure 4); the second portion 28 having a

- substantially planar end face (Figure 4); said first end portion being telescoped in said recess, said light emitting diode 40 being disposed in said recess adjacent the inboard end of said bar and aimed at said bar inboard end – because of relative positioning of the reflector 68 (Figure 4);
- the light-transmitting member 12 including a first end portion with free end 28 (Figures 1 and 4, column 3, lines 44 and 45), which being positioned adjacent to LED 40 inherently transmitting narrow light beam with self focus characteristic (Figure 4); the LED 40 operable with relatively low voltage and including electric conductors (Figure 4, column 4, lines 28-40);
 - the light transmitting bar 12 comprises plastic extrusion with intermediate portion of substantially constant cross section between the free ends (Figure 1, column 3, lines 22-27); and one of the portion- left hand portion – having a machined outer periphery forming a groove 30 (Figure 6, column 3, lines 44-48).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grady et al. (US Patent No.: 6,553,629 B2), hereinafter referred as Grady.

Grady ('629 B2) discloses a lighted handle comprising:

- a first mounting bracket 24'- the combination including elements 16, 20 and 24 – including a leg bearing a recess 46, and the leg curving – the semi-circular outer periphery- spaced from a foot 16 with a mounting surface (Figure 1, column 4, lines 24-26, 45 and 46); the open portion defining a recess 46 (Figure 4, column 3, lines 59-65); the leg free end portion being hollow, and indented by a recess 46 (Figure 1); and
- the light-transmitting member 12 being formed as a bar (Figure 1, column 3, lines 22-24); the light- transmitting bar 12 and the bracket 24' having an adjacent outer peripheral surfaces (Figure 1).

However Grady ('629 B2) does not teach the peripheral surface of the light-transmitting rod and that of the bracket being mutually flush, and the bar continues the peripheral contour of the bracket in a visually unbroken manner.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to shape and size either the transmitting bar or the mounting bracket to provide visually unbroken contours, since it has been held that matters relating to ornamentation only which has no mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

10. Claim 63 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 5 of U. S. Patent No. 6,592,240 B2 in view of Knauer et al. (US patent No.: 6,450,677 B1).

Claims 1 and dependent claim 5 of US Patent ('240 B2) jointly claim the first bracket having a recess fixedly receiving the reduced diameter portion of first end portion of the bar. However, the combination of claims 1 and 5 do not specifically claim either the peripheral wall of the light-transmitting wall or that of the recess being tapered, which produces angularly oriented axis of the recess and that of the light-transmitting bar.

On the other hand, Knauer et al. ('677 B1) discloses a fiber optic lighting system including a coupling 62 including a tapered recess 64 fixedly receiving a light-transmitting rod end 58a (Figure 6, column 7, lines 29-42).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighted handle of US Patent ('240 B2) by providing either the recess with tapered wall as taught by Knauer et al. ('677 B1) for the benefits of detachably fixing the end of the light-transmitting red with mechanical interference between the walls.

Allowable Subject Matter

11. Claim 66 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Grady et al. (US Patent No.: 6,553,629 B2), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a lighted handle combining:

- the light transmitting bar member including the first end portion with an annular groove, which receives a seal ring mounted on the an interior peripheral surface of the recess as recited in claim 63.

Grady et al. ('629 B2) employs interlocking of a groove with a keyway for retaining the bar member in the recess in non-rotational and stable manner. Therefore, there is no motivation for modifying the lighted handle with an annular groove and seal ring combination.

12. Claims 83-89 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art of record, including Grady et al. (US Patent No.: 6,553,629 B2), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a lighted handle combining:

- the light transmitting bar including an annular, radially inward extending step abutting the free end of the bracket as recited in the independent claim 83; and an illumination unit having its inward portion positioned adjacent the annular step as recited in the independent claim 83.

Grady et al. ('629 B2) employs interlocking of a groove with a keyway for retaining the bar member in the recess in non-rotational and stable manner. Therefore, there is no motivation for modifying the lighted handle with an annular groove and seal ring combination.

Claims 84-89 would necessarily be allowed because of their dependency on the base claim 83.

Response to Amendment

13. Applicant's arguments filed on June 30, 2006 with respect to the 35 U.S.C. 102(e) rejections of claims 44, 46, 49, 60, 62 and 67; and 35 U.S.C. 103(a) rejections of claims 48, 54, 72 and 73 have been fully considered but they are not persuasive.

Argument: Regarding Claim 44, Grady et al. ('629 B2) does not teach in what direction the LED should be aimed with respect to its light transmitting bar 12.

Response: Grady et al. ('629 B2) teaches Regarding claim 44, 46, 49, 60- 62, 90 and 91, Grady discloses a lighted handle 10 (Figure 1) comprising:

- an elongated light-transmitting member 12 (Figures 1 and 5, column 3, lines 43-45) optically coupled to a light source 40, which includes a reflector 68; the combination of the light source and the reflector 68 directs the emitted light beams toward the light transmitting rod 12. Thus the light source is properly aimed toward the light-transmitting rod 12. Grady et al. ('629 B2) further teaches that the light source could either be an incandescent light bulb or an LED. Thus, Grady et al. ('629 B2) teaches the light source, whether its an incandescent light or an LED, needs to be aimed in the

direction of the light transmitting rod member for its illumination.

Thus, Grady et al. ('629 B2) fulfills the limitations of Claim 44.

Argument: Regarding claim 46, Grady et al. ('629 B2) teaches a relatively smaller diameter outboard portion 46 receiving the light transmitting member, and a relatively larger diameter inboard chamber receiving a light bulb. The above teaching is quite opposite to the limitations recited in Claim 46.

Response: Figure 4 of Grady et al. ('629 B2) clearly illustrate the following: the end defined by element 46 being of larger diameter as compare to any other portion of the span extending toward element 54. Further, Grady et al. ('629 B2) shows that the portion with larger diameter receives the end portion of the light transmitting rod 12, and the other portion of relatively smaller diameter receives the light source.

Argument: Regarding claims 48 and 54, Grady et al. ('629 B2) does not teach the outer peripheral surfaces of the light transmitting rod and the bracket being mutually flushed, and the bar continues the peripheral contour of the bracket in a visually unbroken manner.

Response: As indicated in section 9 above, it would be have been obvious to one of ordinary skill in the art at the time of the invention

to shape and size either the transmitting bar or the mounting bracket to provide visually unbroken contours, since it has been held that matters relating to ornamentation only which has no bearing on mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

In addition, the user would usually grasp the central portion of the handle for balanced and safe handling. Thus, the applicant would carry out Mechanical function of the Grady's lighted handle in similar manner as that claimed.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2875

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

9/11/2006


ALI ALAVI
PRIMARY EXAMINER